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LETTER DATED 4 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF  
THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE  
SECRETARY-GENERAL

I have the honour to transmit to you herewith a letter addressed to you by  
Mr. Jadulla Azuz Talhi, Secretary of the People's Committee of the People's Bureau  
for Foreign Liaison and International Co-operation.

I should be grateful if you would have this letter and its annex circulated as  
a document of the Security Council.

(Signed) Ali A. TREIKI  
Permanent Representative

Annex

I have the honour to inform you that the letter dated 16 August 1990 addressed to you by the Minister for Foreign Affairs of the Republic of Chad (S/21539, annex) is lacking in precision and characterized by a failure to adhere to the truth. It is based on an erroneous understanding of the text of article 1 of the Framework Agreement signed by the two countries on 31 August 1989 and on beliefs and concepts that have no justification.

While assuring you at the outset that the Socialist People's Libyan Arab Jamahiriya is committed to the letter and spirit of the aforesaid Algiers Agreement and to international law and custom as a whole, I should like to inform you of the following:

1. Libya has respected and has scrupulously adhered to the cease-fire agreed upon on 11 September 1987, just as it does not intend, is not considering and is not engaged in any breach of the Agreement and is not contemplating any aggression against Chad. Libya is committed to the initiative with respect to Chad announced on 25 May 1988 by Colonel Muammar Qaddafi, Leader of the Great Revolution of 1 September. Our co-operation with a view to reaching a peaceful solution has testified to the fact that this policy is to be trusted. While affirming the foregoing, the Socialist People's Libyan Arab Jamahiriya can only be responsible for its own borders with Chad, and it is in no way associated with the intra-Chadian conflict being waged within and outside that country.

2. The situation with respect to the one-year period that the Chadian side, in order to justify its precipitous recourse to the International Court of Justice, claims is soon to expire is not as His Excellency the Chadian Minister for Foreign Affairs seeks to portray it. Article 1 of the Framework Agreement explicitly specifies this year for the achievement of a definitive solution by all available means. The Joint Commission, which is entrusted in accordance with article 5 of the Agreement with working out the necessary arrangements for its implementation and follow-up, continues to operate with a view to reaching agreement on a protocol for the implementation of all its provisions. Despite the fact that the mechanism for reaching a peaceful political solution has been established under article 1 of the Agreement, the two parties have not begun to take action in accordance with the mechanism agreed upon. Consequently, the one-year period must be calculated from the time action begins if article 1 of the Agreement is to be implemented.

The letter of His Excellency the Chadian Minister for Foreign Affairs presents his conceptions, his beliefs and his assumptions concerning Libya's positions in the future. It ignores and even conceals the Chadian position with regard to a major issue clearly set forth in article 3, namely that of the prisoners of war, an issue with which the Chadian Government is dealing in a manner which is contrary to and incompatible with international law and custom.

Jadullah Azuz TALHI  
Secretary of the People's Committee of  
the People's Bureau for Foreign Liaison  
and International Co-operation